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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIUS LACATIS,

Defendant.

CASE NO. 4:22-mj-70451-MAG

NOTICE OF PROCEEDINGS ON OUT-OF-DISTRICT CRIMINAL CHARGES PURSUANT TO RULES 5(c)(2) AND (3) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on April 8, 2022, the above-named defendant was arrested pursuant to an arrest warrant (copy attached) issued upon an

☐ Indictment

☐ Information

☒ Criminal Complaint

☐ Other (describe) _____

pending in the Eastern District of New York, Case Number 22-MJ-94.

In that case (copy of indictment attached), the defendant is charged with violating: 18 U.S.C. § 1029(b)(2) - conspiracy to traffic in and use one or more unauthorized access devices.

FILED

Apr 07 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 Description of Charges: 18 U.S.C. § 1029(b)(2) - conspiracy to traffic in and use one or more
2 unauthorized access devices.

3 The maximum penalties are as follows:

4 Ten years' imprisonment, \$250,000 fine, three years supervised release, \$100 special assessment,
5 and forfeiture.

6
7 DATED: April 7, 2022

Respectfully submitted,

8 STEPHANIE M. HINDS
9 United States Attorney

10 /s/ *Thomas Newman*

11 THOMAS NEWMAN
12 Assistant United States Attorney
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TO: Clerk's Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES OF AMERICA

-v.-

MARIUS LACATIS
22 MJ 94
Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Adam R. Toporovsky

Firm Name: USAO-EDNY

Address: 271 Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-6475

E-Mail Address: adam.toporovsky@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ☒

If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation.

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn, NEW YORK
1/31/22

Cheryl L. Pottak
U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE 1/31/22
DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns.
(Check one)

January 31, 2022

DATE

SIGNATURE

AT

JMH:AT
F. #2021R01109

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 1029(b)(2))

MARIUS LACATIS,

22 MJ 94

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

JAMES LILLA, being duly sworn, deposes and states that he is a Detective with the New York City Police Department (“NYPD”) and a Task Force Officer with the United States Secret Service (“USSS”), duly appointed according to law and acting as such.

In or about and between May 2020 and January 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MARIUS LACATIS, together with others, did knowingly and with intent to defraud, conspire to traffic in and use on or more unauthorized access devices, in a matter affecting interstate commerce, and by such conduct did obtain something of value during any one-year period, the aggregated value of which is equal to or greater than \$1,000.

(Title 18, United States Code, Section 1029(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Detective with the NYPD and a Task Force Officer with the USSS and have been involved in the investigation of numerous cases involving skimming. I have been investigating crimes involving skimming since 2013, I have handled or recovered over 300 skimming devices from automated teller machines ("ATMs"), and I have participated in numerous skimming investigations. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. Since at least November 2021, the NYPD, along with the Department of Homeland Security, Homeland Security Investigations ("DHS-HSI") and the USSS has been investigating a group of individuals believed to be engaged in a large-scale ATM skimming conspiracy. In general, members of the conspiracy, including MARIUS LACATIS, have participated in a scheme whereby they have installed hidden card-reading devices on ATMs throughout Queens, New York, and in other counties in New York and both Pennsylvania and New Jersey, in order to steal bank account information, then used that stolen information to create bank cards, which they have used to unlawfully withdraw large amounts of cash from various ATMs. Law enforcement has used various techniques as part of this investigation, including surveillance, as well as obtaining and reviewing financial records and other records. To date, based on their review of security footage, bank records, and other documentation, law

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

enforcement assesses that members of the conspiracy have stolen identity information from more than one thousand victims and have fraudulently obtained more than \$2 million as part of this scheme.

BACKGROUND ON SKIMMING

3. Skimming is the act by which criminals, either alone or as part of a skimming conspiracy, use illegally installed devices to steal certain user information, either from point-of-sale terminals, ATMs, or other cardholder-reading devices. Because the criminal conspiracy at issue here focuses on skimming from ATMs, I will focus on ATMs for the purposes of this explanation.

4. Based on my training and experience, I know that criminals often conspire to install and remove skimming devices from ATMs. Skimming ordinarily requires building a device that is capable of covertly stealing card information from cards when inserted into the ATM. The criminals must then covertly install the card-reader in the slot where an ATM is inserted, and the criminals will also install a small camera to view unsuspecting victims typing in their PIN numbers. After a period of time – ordinarily 12 to 24 hours – the criminals will retrieve the skimming devices (card-reader and camera) and upload the information onto an electronic drive for review. The video footage from the camera is used to match the stolen card information with the PIN information that was entered.

5. Often, after stealing identification information from an ATM and capturing user PINs, a skimming crew will then, using a specialized machine, upload the necessary identification information onto individualized cards—access devices—encoded by the criminals to extract the value of the bank information unlawfully obtained via the skimming devices. For example, information stolen from “Person A” will be uploaded onto “Card A”, and

information stolen from “Person B” will be uploaded to “Card B”. The PIN number for each of the stolen cards will be written on or taped to each individual card – that way, a member of the conspiracy will be able to quickly and easily “cash out” at different ATMs – quickly insert a card, type in the necessary PIN number, and withdraw large amounts of cash, and then use the next card with stolen information.

6. Based on my training and experience, I know that skimming conspiracies often include several individuals that play interrelated roles, including at least one individual that understands how to build skimming devices, one individual that knows how to install and remove skimming devices, and one individual that knows how to transfer stolen identity information onto new cards for later use. Other coconspirators often play other roles, including reviewing long hours of video footage to write down victims’ PIN numbers or driving other members of the conspiracy to separate locations. Members of the conspiracy often must coordinate and must constantly communicate, either due to emergencies, such as a discovered, broken or unremovable skimming device, or simply to coordinate what coconspirators will be playing what role on particular days or during particular hours – skimmers often “hit” many ATMs, even without a short distance, over a short period of time, even within a few hours.

PROBABLE CAUSE FOR MARIUS LACATIS

7. Based on law enforcement surveillance, my review of still images from surveillance videos, surveillance videos, my conversations with other law enforcement officers, and documentary evidence, including banking records and other evidence, there is probable cause to believe that LACATIS is participating in the skimming conspiracy along with at least five other individuals that have been repeatedly captured on surveillance video installing and removing skimming devices from ATMs.

8. On many occasions, LACATIS has installed or removed skimming devices within the Eastern District of New York while being captured by surveillance video. For example, as seen in Figure-1 below, LACATIS was captured wearing a black jacket with the word “ICON” prominently displayed, which law enforcement has observed him wearing on many occasions, by surveillance video at a Capital One ATM located at 1425 Rockaway Parkway, Brooklyn, New York 11236 on November 13, 2021; approximately 325 cards were found compromised from that location between November 12, 2021, and November 13, 2021. LACATIS can be seen in the ICON jacket in Figure-2 and Figure-3 as well, captured by ATM surveillance at separate locations on November 13, 2021, and November 22, 2021, respectively. In Figure-3, LACATIS can be seen using a tool that is ordinarily used by skimmers to install and remove skimming devices from ATMs.

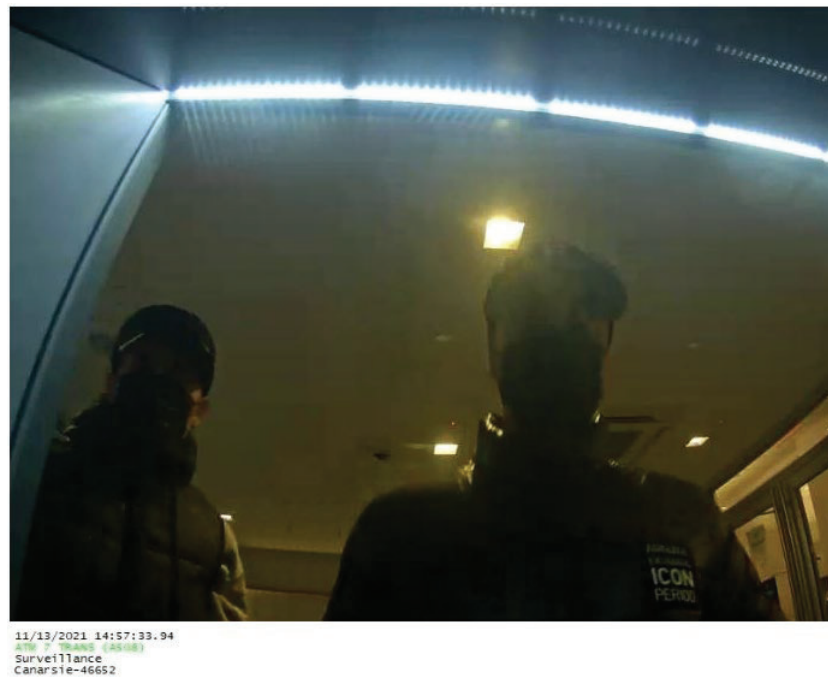


Figure-1



Figure-2



Figure-3

9. On December 9, 2021, at a Capital One ATM located at 37-02 82nd Street, Jackson Heights New York, 11372, LACATIS was captured by video installing a skimming device that was later recovered by law enforcement. And on January 9, 2022, at a Capital One ATM located at 41-60 Main Street, Flushing New York 11355, LACATIS was captured by video both installing and removing a skimming device at different times.

10. On December 14, 2021, law enforcement observed LACATIS at a Bank of America branch located at 136-01 Roosevelt Avenue, Flushing, New York 11354. Once LACATIS parked, law enforcement observed LACATIS, while sitting inside the parked vehicle, holding a camera device in his hand. Shortly thereafter, LACATIS entered the bank and installed the skimming device, which was later recovered by law enforcement with the assistance of Bank of America.

11. Based on law enforcement surveillance, my review of still images from surveillance videos, surveillance videos, my conversations with other law enforcement officers, and documentary evidence, including banking records and other evidence, there is probable cause to believe that LACATIS is not acting independently, and instead, LACATIS is conspiring


with others to install and remove skimming machines. For example, LACATIS installed and removed skimming devices that were removed or installed by other members of the conspiracy. For example, an unidentified coconspirator installed a skimming device on November 11, 2021 at an ATM located at 470 Park Avenue South, New York, New York 10016. The next day, on November 12, 2021, LACATIS removed that skimming device. LACATIS has also met with coconspirators that have been captured by surveillance video installing and removing skimming devices while LACATIS was in the process of attempting to install a skimming device.

WHEREFORE, your deponent respectfully requests that the defendant MARIUS LACATIS, be dealt with according to law.



JAMES MILLA
Task Force Officer, United States Secret Service

Sworn to before me this
31st day of January, 2022



THE HONORABLE CHERYL L. POLLAK
UNITED STATES CHIEF MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

Marius Lacatis

Case No. 22 MJ 94

Defendant

ARREST WARRANT

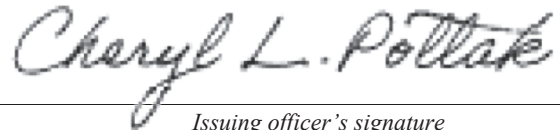
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Marius Lacatis,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Violation of Title 18, United States Code Section 1029(b)(2) (conspiracy to traffic in and use one or more unauthorized access devices)

Date: 01/31/2022

*Issuing officer's signature*City and state: Brooklyn, New YorkHon. Cheryl L. Pollak, U.S.M.J.*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates *(name, relation, address, phone number)*: _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer *(if applicable)*: _____

Date of last contact with pretrial services or probation officer *(if applicable)*: _____